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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,116	04/30/2001	Jeffrey Bogatin	0545MH-40237E(1)	5238

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,116

Applicant(s)

BOGATIN ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/23/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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RESPONSE TO AMENDMENT

1. Claims 1-14 remain for further examination.

The old rejection maintained

2. Applicant's arguments with respect to claims 1-14 filed on April 26, 2005 have been fully considered but they are not deemed to be persuasive for the claims 1-14. The rejection is respectfully maintained as set forth in the last Office Action mailed on October 27, 2004.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1 the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 1 and 8 recite a limitation "said chamber" and claims 6 and 13 recite a limitation "the bi-directional". There are insufficient antecedent basis for these limitations in the claims 1, 6, 8, and 13.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 103(a)

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ali (U.S. Patent No. 6,549,818).

7. Ali teaches the invention substantially as claimed including a cooking appliance and cooking system (see abstract).

8. As to claim 1, Ali teaches an improved oven for use in a residence, comprising: an oven including: a cooking chamber or at least one heating element; a programmable controller for executing program instructions; memory media for recording executable program instructions; and at least one controllable cooking system under control of said programmable controller, providing a data-processing-controlled high speed cooking process which applied to food placed in said chamber (see fig. 1; col. 2 lines 40-67, Ali

discloses an oven with temp controller, heating element, and memory for executing instructions); a plurality of cooking programs recorded in said memory media of said oven for defining a plurality of high speed cooking routines available for use with said oven (see col. 2 line 64, Ali discloses a memory for storing recipe routines); a personal computer communicatively coupled to said programmable controller for managing the communication of digital content, which is at least in-part related to operation and utilization of said improved oven; and a broadband communication channel extending from a source of digital content, which is external to said residence, to said residence, for delivering particular digital content related to said oven through said gateway server for distribution within said residence including distribution to said programmable controller of said oven in order to facilitate cooking operations utilizing said oven (see col. 3 lines 30-35, Ali discloses that the appliance/oven combination are connected to the Internet through a personal computer/ISP connection).

Ali fails to teach the claimed limitation of a gateway server facilitating communication with network resources. Ali does teach that the appliance computer 14 is connected to the oven controller and facilitates communication with external resources through a personal computer/ISP connection (see col. 3 lines 1-40).

"Official Notice" is taken that the concept and advantages of using a gateway server for connecting to an Internet resource is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ali by specifying a gateway server for facilitating communication to

the network in place of the appliance computer taught by Ali. One would be motivated do so to provide an interface between some external source of information and a server.

9. As to claim 2, Ali teaches the improved oven according to claim 1, wherein said appliance computer comprises a data processing device housed in a location external to said improved oven (see col. 3 lines 1-30, Ali discloses that the personal computer could be externally located from the oven/appliance).

10. As to claim 3, Ali teaches the improved oven according to claim 1, wherein said computer comprises at least one data processing device from the following data processing devices: a home personal computing system; a set top cable box; an internet appliance; a combination television and internet appliance; a home automation system; a satellite communication system; a residential broadband bi-directional communication system (see cols. 3-4).

11. As to claim 4, Ali teaches the improved oven according to claim 1, wherein said appliance computer and said programmable controller of said oven communicate through an input/output system which allows at least one of the following types of communication: serial communication of data; parallel communication of data; communication of control signals; communication of digital content (see col. 3 lines 5-35).

12. As to claim 5, Ali teaches the improved oven according to claim 1, wherein said programmable controller of said improved oven is communicatively coupled through said appliance computer to at least one of the following devices: a home personal computing system; a home television system; a home video display system; a code reading device; and a wireless and portable internet appliance (see col. 3 lines 1-40).

13. As to claim 6, Ali teaches the improved oven according to claim 1, wherein said programmable controller of said improved oven operates collaboratively with said appliance computer to define a broadband communication system which allows the bi-directional communication of digital content between a residence and resources external of said residence (see cols. 3-5).

14. As to claim 7, Ali teaches the improved oven according to claim 6, wherein said broadband communication system allows communication speeds as low as a slow modem and as high as a commercial connection (see col. 3-5).

15. Claims 8-14 do not teach or define any new limitations above claims 1-7 and therefore are rejected for similar reasons.

Response to Arguments

16. Applicant's arguments with respect to claims 1-14 filed on April 26, 2005 have been fully considered but they are not deemed to be persuasive for the claims 1-14.

17. In the remarks, the applicant argues that:

(A) Argument: (Page 9) "Nowhere in Ali is the concept of a broadband communication system for use in the operation and performance of a high-speed cooking appliance taught or suggested."

Response: Ali discloses that the appliance/oven is connected to the Internet through a personal computer/ISP connection (see fig. 1 and col. 3 lines 25-35), which discloses that a broadband communication system for use in the operation and performance of a high-speed cooking appliance.

(B) Argument: (Page 10) "Ali does not teach or suggest an oven which uses high speed cooking routines which provide important operation instructions to the oven, rather than just traditional recipes."

Response: Ali discloses that the appliance computer includes a memory contains an executable program which provide important operation instructions to the oven (see fig. 1 and cols. 1-3), which discloses that the oven uses high speed cooking routines.

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18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.


BHARAT BAROT
PRIMARY EXAMINER

Patent Examiner Bharat Barot

Art Unit 2155

June 29, 2005